

**FILED**

MAY 02 2011

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY Zuh DEPUTY

NICOLE LANAE STEVENSON

Plaintiff,

vs.

WARDEN JOE KEFFER,

Defendant.

No. CIV-10-1365-W

**ORDER**

On March 30, 2011, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Nicole Lanae Stevenson be dismissed for lack of jurisdiction. Stevenson was advised of her right to object to the Report and Recommendation, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' suggested disposition of this matter. Because Stevenson has filed her Petition in the wrong district, e.g., Rumsfeld v. Padilla, 542 U.S. 426 (2004); 28 U.S.C. § 2243, and because it would not be in "interest of justice," 28 U.S.C. § 1631, to transfer the action to the United States District Court for the Northern District of Texas, the court in the district in which Stevenson is incarcerated, the Court finds Stevenson's Petition should be dismissed without prejudice.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 6] filed on March 30, 2011; and
- (2) DISMISSES without prejudice Stevenson's Petition [Doc. 1] file-stamped

December 17, 2010.

ENTERED this 2nd day of May, 2011.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE